

70-1134

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

1.	DOLLY WILLIAMS,)	
)	
	Plaintiff,)	
)	
vs.)	Case No. 21-CV-197-KEW
)	
1.	WORLD AIRCRAFT, INC. and)	
2.	BRIDGETTE LEIGH SWAREK,)	
)	
	Defendants.)	

NOTICE OF REMOVAL

In accordance with the provisions set forth in 28 U.S.C. §§ 1441, 1446, *et seq.*, notice of removal is given as follows: Defendant Bridgette Leigh Swarek (“Defendant”) removes this action from the District Court of Atoka County, Case No. CJ-2021-33 (“State Court Action”), to this Court pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, *et seq.* Pursuant to 28 U.S.C. §1446 and LCvR 81.2, a copy of the docket sheet for the State Court Action is attached hereto as Exhibit 1. Copies of all documents served and/or filed in the State Court Action are attached hereto as Exhibits 2-4.

1. The Plaintiff alleges that she suffered damages as a result of automobile negligence caused by Defendant Bridgette Leigh Swarek, while acting in the scope of employment with Defendant World Aircraft, Inc.

2. This case was filed in the District Court of Atoka County, State of Oklahoma, on June 9, 2021. Upon information and belief, Defendant Bridgette Leigh Swarek was served with Summons and the Petition on or about June 25, 2021. Upon information and belief, Defendant World Aircraft, Inc. has not been served with the Summons and/or Petition. As such, its consent

for removal is not necessary. 28 U.S.C. §1446(b). Pursuant to 28 U.S.C. § 1446(b), Defendant is within the one-year limitation for removing this action.

3. Pursuant to 28 U.S.C. § 1446(b), Defendant has filed this Notice of Removal within the required 30 days after Defendant's receipt "of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based."

4. The lawsuit filed by Plaintiff alleges damages "in an amount in excess of the amount required for diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)". Therefore, the damages sought by Plaintiff exceed the threshold for diversity jurisdiction.

5. The District Court of Atoka County, the court in which this action is pending, is located within this Court's jurisdiction.

6. Removal of this action is proper under 28 U.S.C. §§ 1441 and 1446, *et seq.*, because this Court has original diversity jurisdiction over this matter, given that:

a. The amount in controversy exceeds \$75,000.00, exclusive of interest or costs. Defendant first knew the amount in controversy exceeded \$75,000.00 and that this case was ripe for removal and could actually be removed when she was served with Plaintiff's Petition, which upon information and belief occurred on or about June 25, 2021.

b. Upon information and belief, Plaintiff Dolly Williams is resident of Atoka County, State of Oklahoma.

c. Upon information and belief, Defendant World Aircraft, Inc. is a public corporation existing under and by virtue of the laws of the State of Mississippi, with its principal place of business in the City of Gulfport, County of Harrison, State of Mississippi.

d. Upon information and belief, Defendant Bridgette Leigh Swarek is resident of Harrison County, State of Mississippi.

e. Accordingly, there is complete diversity of citizenship in this action, and this case is removable on that basis.

7. Written notice of the filing of this Notice of Removal is being promptly given to Plaintiff and a Notice of Filing of Notice of Removal is promptly being filed with the clerk of the District Court of Atoka County, as required by 28 U.S.C. § 1446(d).

8. For the reasons stated above, Defendant removes this action from the District Court of Atoka County, to this Honorable Court.

Respectfully submitted,

/s Brian L. Carter

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Attorneys for Bridgette Leigh Swarek

CERTIFICATE OF SERVICE

I hereby certify that on _____, 2021, I mailed a copy to counsel via USPS. Based on the electronic records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Eric Grantham
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Attorney for Plaintiff

_____/s Brian L. Carter_____